



US Army Corps  
of Engineers  
Seattle District

# Public Notice of Application for Permit

Regulatory Branch  
Post Office Box 3755  
Seattle, Washington 98124-3755  
Telephone (206) 764-3495  
ATTN: Randel Perry, Project Manager

Public Notice Date: March 31, 2005  
Expiration Date: April 31, 2005  
Reference: 200500250  
Name: Whatcom County Public Works

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Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT – Whatcom County Public Works  
River and Flood Division  
322 North Commercial Street, Suite 120  
Bellingham, Washington 98225  
ATTN: Paul Pittman, River and Flood Geologist  
Telephone: (360) 676-6876

LOCATION – Project is in Swift Creek between Oat-Coles Road and Goodwin Road near Everson, Whatcom County, Washington.

WORK – Excavate approximately 150,000 cubic yards of accumulated sediments from 8.5 acres within the creek channel and placement of approximately 5,420 cubic yards of material (riprap and/or gabrions) below the ordinary high water line along 10,500 linear feet for bank stabilization.

PURPOSE – Relieve aggradation and flooding problems and to reduce downstream transport of naturally contaminated sediments. Work is part of the Sumas-Nooksack-Everson Subzone Management Plan developed by Whatcom County.

ADDITIONAL INFORMATION – Swift Creek is subject to high sediment inputs from a headwaters landslide area. Sediments include naturally occurring minerals (asbestos, magnesium, and nickel) that are toxic to fish and plant species. Fish species and vegetation communities are non-existent in and adjacent to a majority of the Swift Creek channel. Project area has been the subject of previous permitted activities to remove sediments (Corps reference #'s 199801779 and 199501952). Applicant has been issued a Corps' permit for installation of two sediment traps in the creek channel (Reference # 200400254); however, sediments that accumulated in channel during winter of 2004-2005 need to be removed prior to sediment trap construction. Excavated material will be stockpiled on-site for future use as upland fill material; use will be conditioned by agency approved sediment handling and anti-degradation plan.

ENDANGERED SPECIES – The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle (*Haliaeetus leucocephalus*) listed threatened and Puget Sound / Strait of Georgia coho salmon (*Oncorhynchus kisutch*), candidate for listing, may occur in the proposed project. Coastal bull trout (*Salvelinus confluentus*) listed threatened may occur downstream in

the Fraser River/Sumas River confluence. There is no critical habitat listed or proposed for listing in the project vicinity. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to these species. A preliminary determination indicates that the activity will have "no effect" on bald eagles and bull trout and "no jeopardy" for coho salmon.

Note: Chinook salmon found in the Swift Creek and Sumas River watersheds are considered to be members of the Fraser River Distinct Population Unit and are not listed under ESA.

ESSENTIAL FISH HABITAT – The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Potential EFH for Pacific salmon species occurs downstream of the project site in the Sumas River.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES – The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The Corps has completed the necessary review and coordination under Section 106 of the National Historic Preservation Act (NHPA). The Corps has determined that no historic properties are affected by the project as proposed. Unless new information arises, no further consultation is necessary under Section 106 of NHPA.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

200500250

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

ADDITIONAL EVALUATION – The State of Washington is reviewing this work for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

Whatcom County has determined that the project site does not fall under the County's Shoreline Management Program jurisdiction.

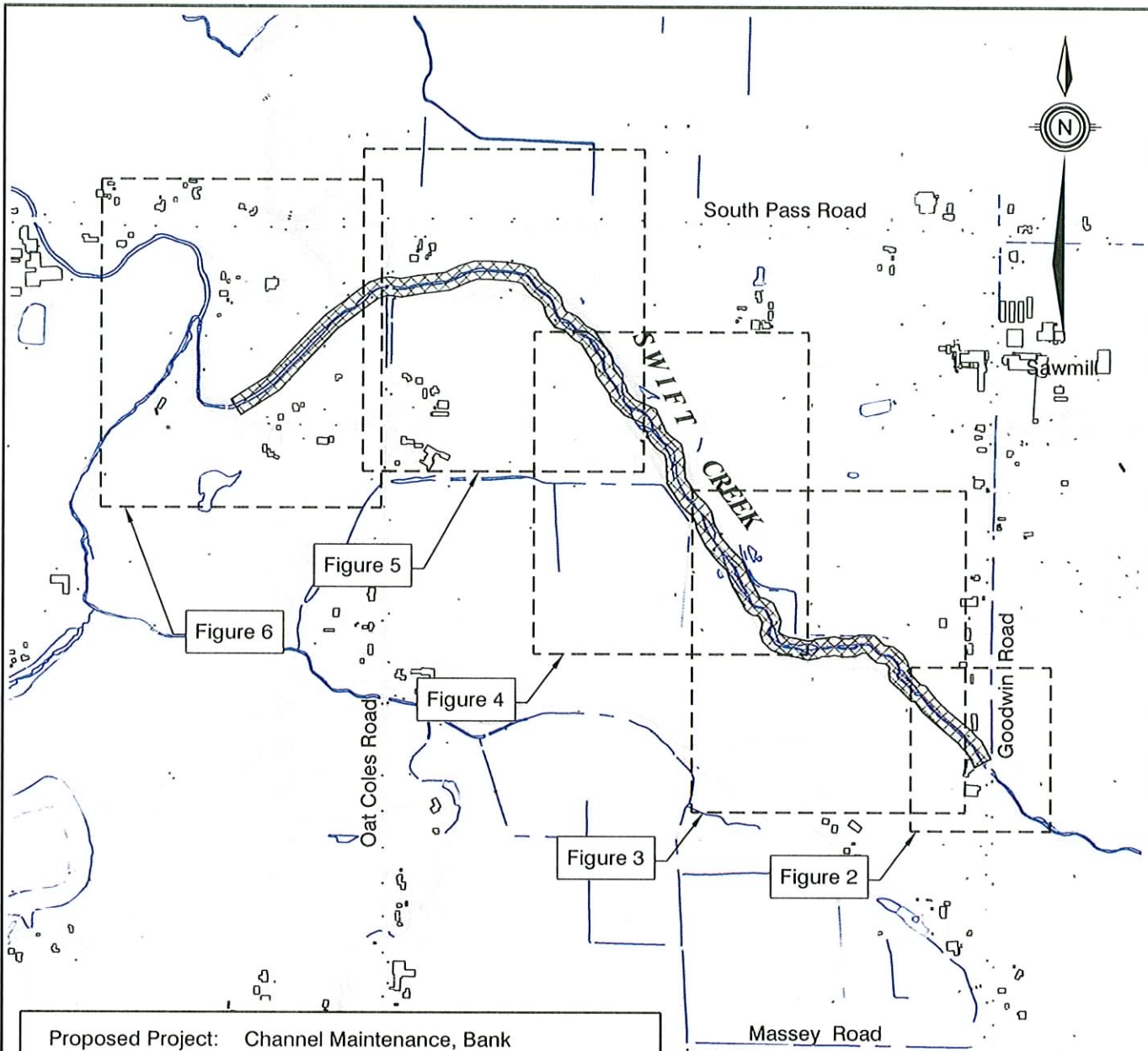
COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to [Randel.J.Perry@nws02.usace.army.mil](mailto:Randel.J.Perry@nws02.usace.army.mil). Conventional mail comments should be sent ATTN: Regulatory Branch. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Whatcom County Public Works  
200500250

Encl  
Drawings (7)

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Proposed Project: Channel Maintenance, Bank Revetment and Access Road Project.

Reference:

Purpose: Sediment Management for Flood Hazard Reduction and Water Quality Improvement.

App. By: Whatcom County Public Works

In: Swift Creek

Near: Everson, Whatcom County, Washington

**kwl** KERR WOOD LEIDAL  
associates limited  
CONSULTING ENGINEERS

Whatcom County Public Works Department  
Swift Creek Management Plan

Project No. 2039-005  
Date February 2005

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Scale in Miles

**Site Map**

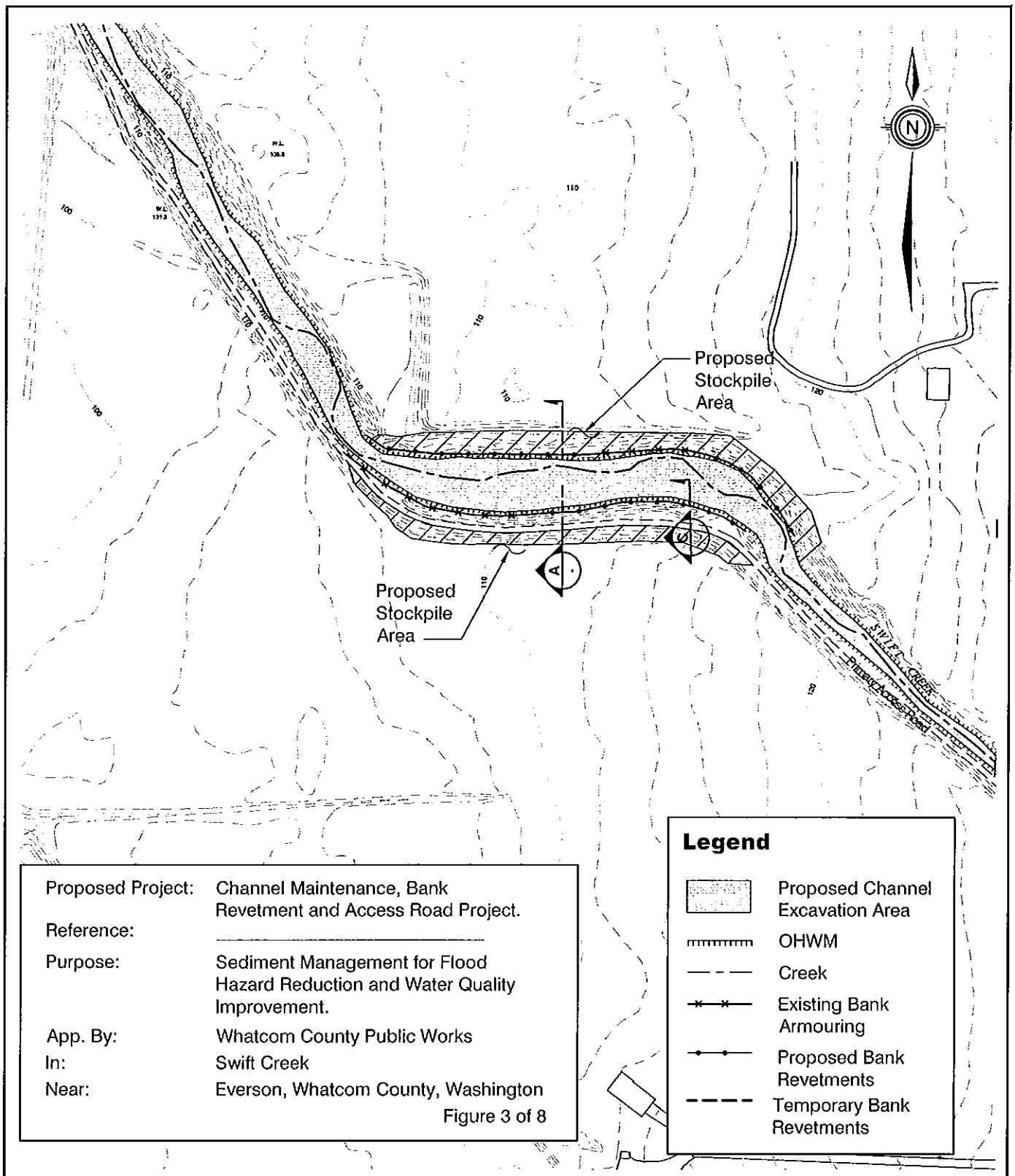
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**Figure 1**



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Swift Creek Management Plan

Project No. 2039-005	Date February 2005
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Scale in Miles

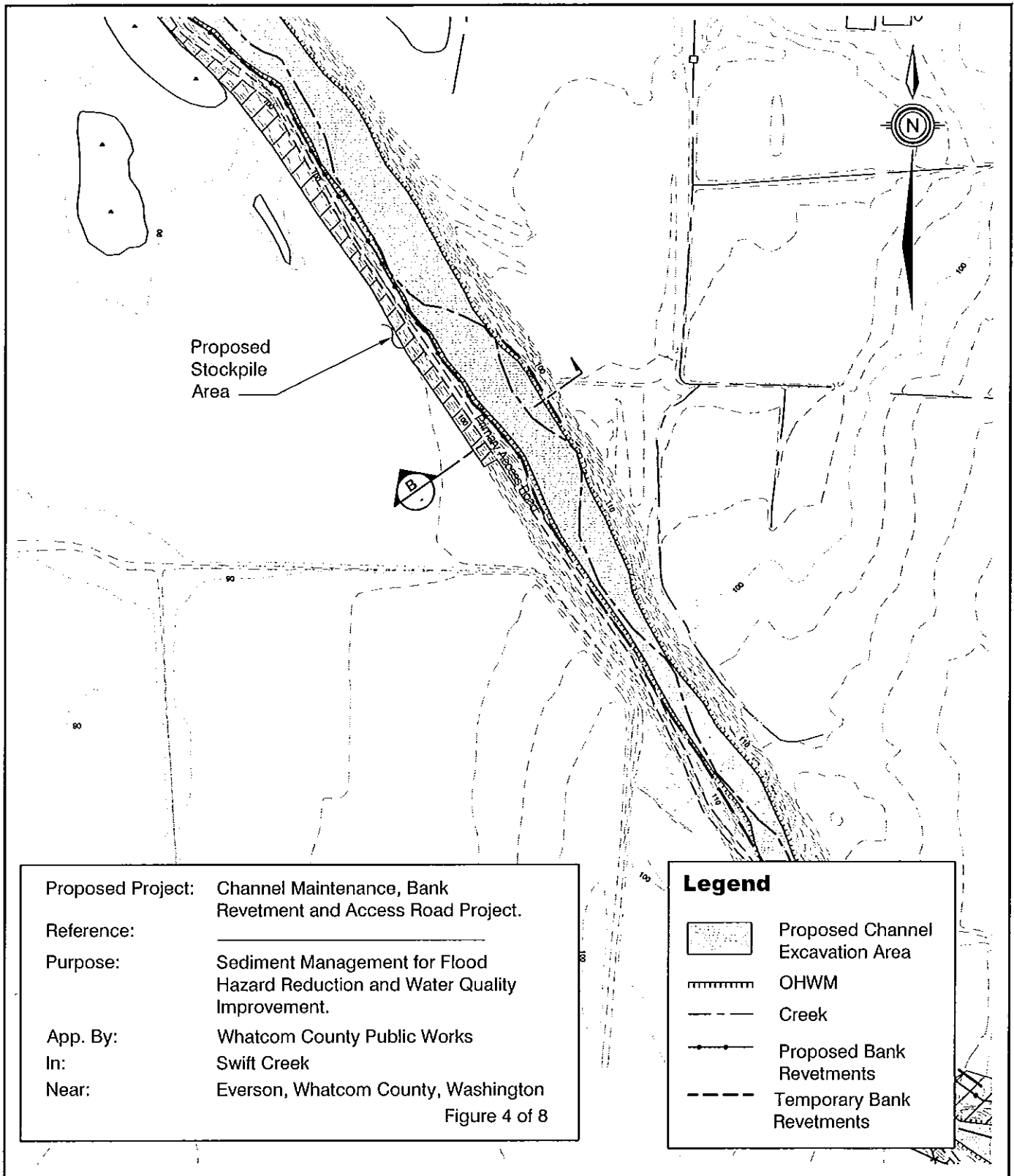
**Site Map**

COE Ref. # 200500250

**Figure 3**

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Whatcom County Public Works Department  
Swift Creek Management Plan

Project No.  
2039-005

Date  
February 2005

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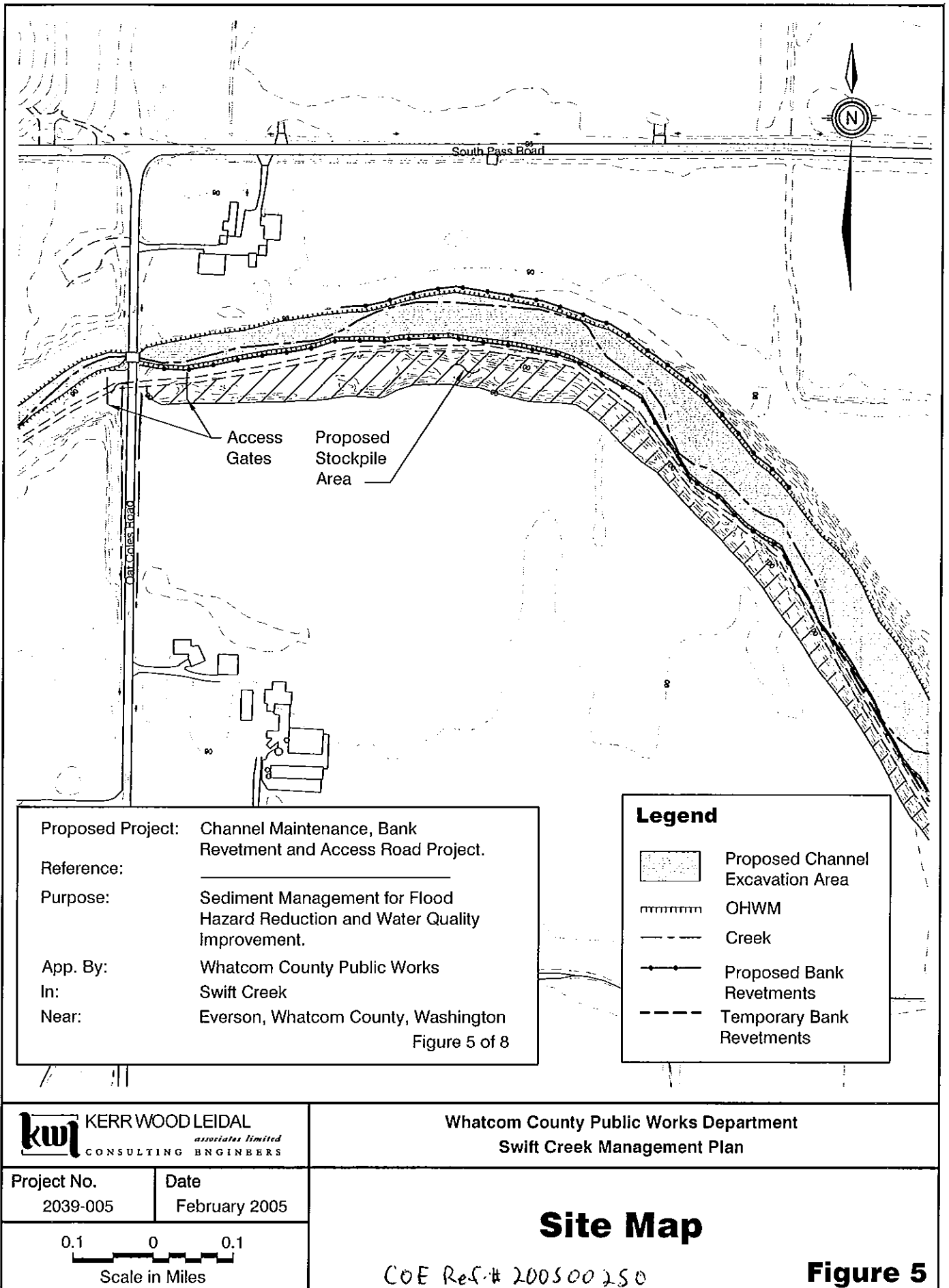
**Site Map**

COE Ref # 200500250

**Figure 4**

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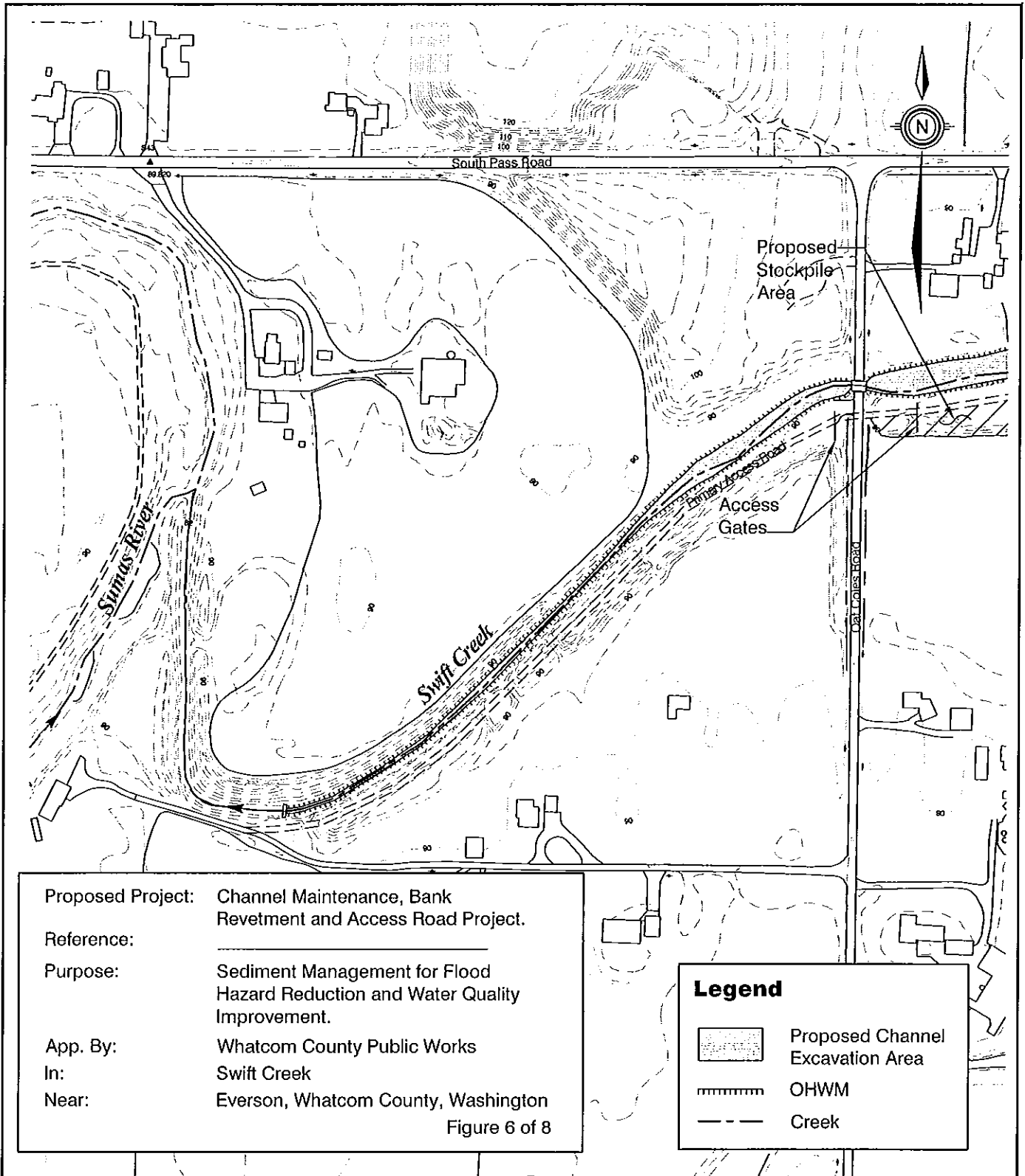
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Whatcom County Public Works Department  
Swift Creek Management Plan

Project No. 2039-005  
Date February 2005

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Scale in Miles

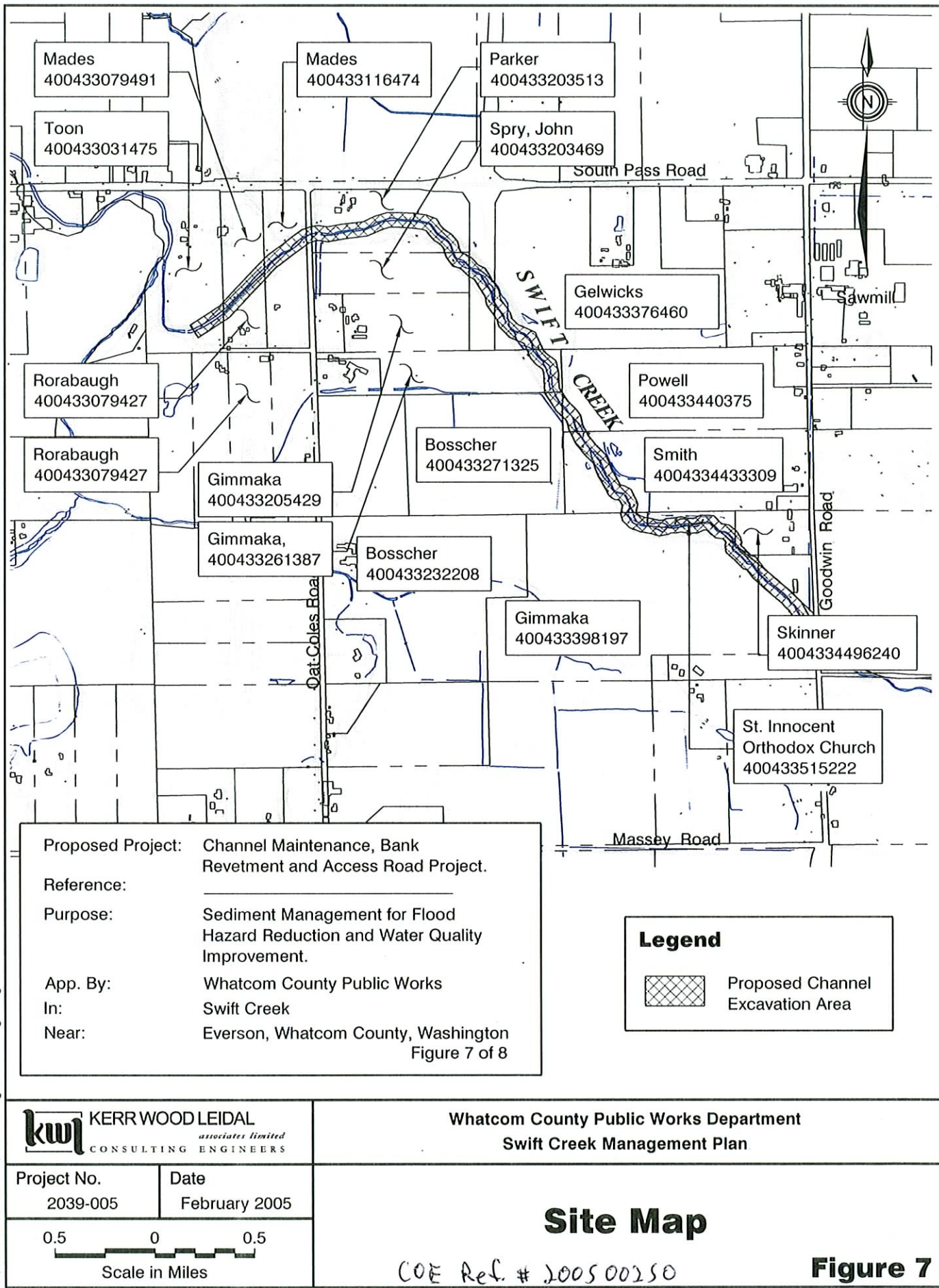
**Site Map**

COE Ref. # 200500250

**Figure 6**

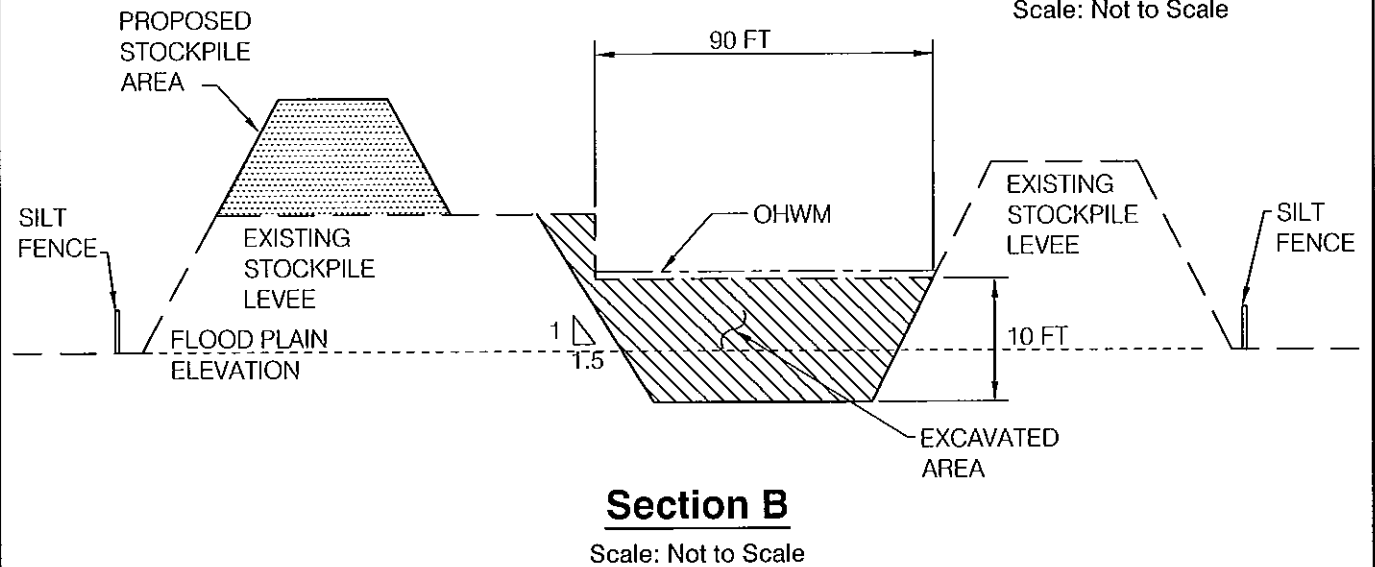
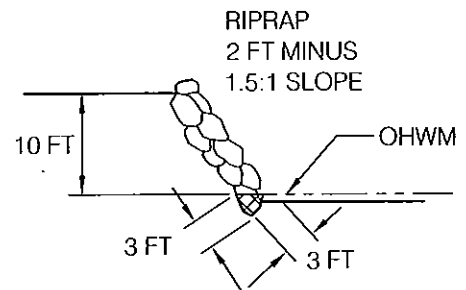
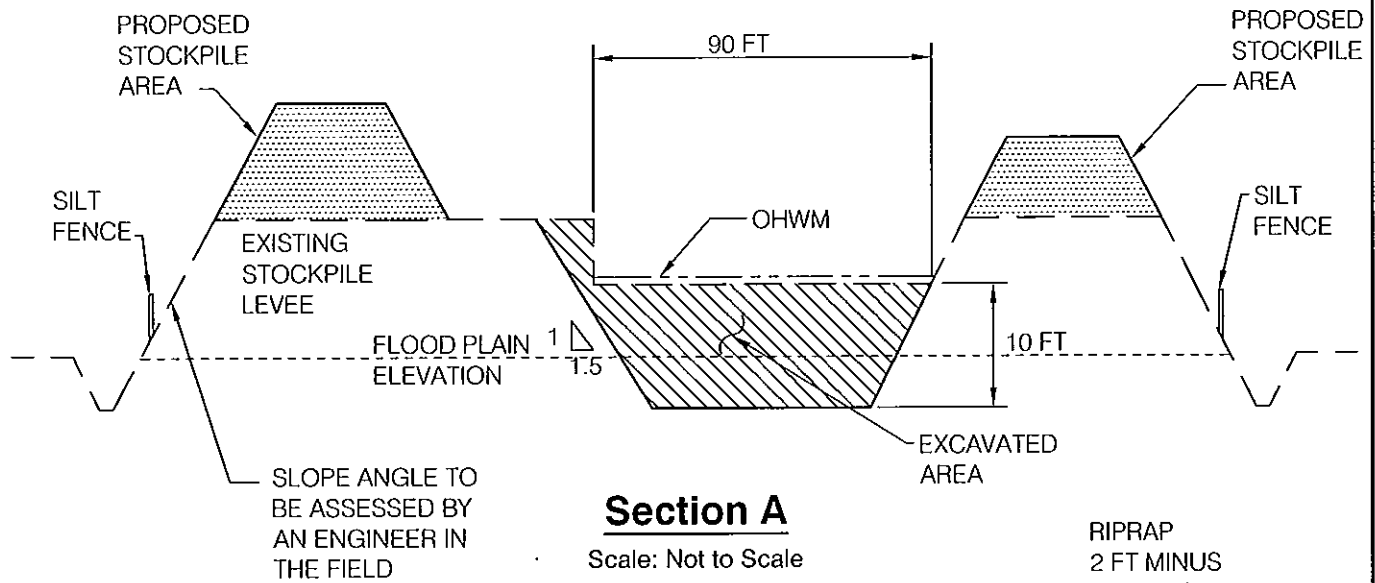
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Whatcom County Public Works Department  
Swift Creek Management Plan

Project No.  
2039-005

Date  
February 2005

Scale: Not to Scale

## Schematic Cross Sections

COE Ref. # 200500250

**Figure 8**



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600  
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Notice of Application for  
Water Quality Certification  
and for  
Certification of Consistency with the  
Washington Coastal Zone Management Program

Date: March 31, 2005

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200500250 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator  
Department of Ecology  
SEA Program  
Post Office Box 47600  
Olympia, Washington 98504-7600